

Message Text

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TAGS: CGEN (MENDELSON, MARTIN)(BELOTE, THOMAS H.)

SUBJECT: JUDICIAL ASSISTANCE: WAR CRIMES INVESTIGATIONS:
TRAVEL OF INS ATTORNEYS

REF: MOSCOW 13525

1. INS ATTORNEYS MENDELSON AND BELOTE PLAN TO ARRIVE IN
MOSCOW JU-Y 11, BUT CIRCUMSTANCES DESCRIBED IN FOLLOWING
PARAGRAPHS HAVE FORCED THEM TO DEFER PLANS FOR TAKING
FORMAL DEPOSITIONS OF SOVIET WITNESSES. THEY NOW PLAN
JUST INFORMAL EXPLORATORY DISCUSSIONS WITH WITNESSES AND
SOVIET OFFICIALS DURING JULY VISIT. PLEASE INFORM MFA OF
THE CHANGE ALONG THE FOLLOWING LINES:

2. "(A) MARTIN MENDELSON AND THOMAS BELOTE, ATTORNEYS
FOR THE IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT
OF JUSTICE, PLAN TO ARRIVE IN THE USSR ON JULY 11. WITH
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THE ASSISTANCE OF SOVIET PROCURATORS, THEY HAD INTENDED TO
DEPOSE SOVIET WITNESSES IN CONNECTION WITH TWO DEPORTATION
PROCEEDINGS WHICH ARE NOW PENDING IN THE UNITED STATES
AGAINST KARLIS DETLAWS AND BOLESLEVS MAIKOVSKIS. HOWEVER,
MARTIN TRAVERS, THE JUDGE IN THE DETLAWS CASE, WAS KILLED
WHILE ON OFFICIAL BUSINESS IN THE VIRGIN ISLANDS. IT IS

ANTICIPATED THAT ANOTHER JUDGE WILL BE APPOINTED TO HEAR THE CASE AND THAT THE PROCEEDINGS WILL HAVE TO BE RESUMED FROM THE BEGINNING. UNTIL THE QUESTION OF JUDGE TRAVERS' REPLACEMENT IS RESOLVED, IT WILL BE IMPOSSIBLE TO SCHEDULE A FORMAL DEPOSITION IN THE DETLAVS CASE. IN THE MAIKOVSKIS CASE THE IMMIGRATION JUDGE HAS RAISED NUMEROUS QUESTIONS IN CONNECTION WITH THE GOVERNMENT'S MOTION TO TAKE DEPOSITIONS. ATTORNEYS FOR THE DEPARTMENT OF JUSTICE CONSIDERED THAT SOME OF THESE QUESTIONS COULD BE ANSWERED BETTER AFTER THEY HAD VISITED THE SOVIET UNION AND HAD THE OPPORTUNITY TO SPEAK WITH THEIR COLLEAGUES IN THE SOVIET MINISTRY OF JUSTICE AND TO INTERVIEW THE WITNESSES.

"B) IN THE COURSE OF THEIR VISIT ATTORNEYS MENDELSON AND BELOTE WOULD LIKE TO MEET WITH THOSE OFFICIALS WHO ARE RESPONSIBLE FOR COORDINATING ALL CASES INVOLVING THE INVESTIGATION AND PROSECUTION OF WAR CRIMINALS. THEY WOULD ALSO BE INTERESTED IN SEEING THE ARCHIVES IN WHICH CAPTURED GERMAN RECORDS ARE STORED, IF POSSIBLE. IN ADDITION THEY WOULD LIKE TO DISCUSS THE SPECIFIC CASES OF DETLAVS, MAIKOVSKIS, BOGDAN KOZIY AND KARL LINNAS WITH THE STATE PROCURATORS FOR JUSTICE WHO OBTAINED THE EVIDENCE PREVIOUSLY FORWARDED TO THE US DEPARTMENT OF JUSTICE THROUGH THE EMBASSY IN THOSE CASES. THE WITNESSES THEY PARTICULARLY WISH TO TALK TO ARE: (HERE REFER TO UNCLASSIFIED

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EMBASSY'S NOTE CONVEYING WITNESSES NAMED IN PARA. 2(B) 78 STATE 74306) AND ANY OTHER WITNESSES WHO PERSONALLY OBSERVED MAIKOVSKIS, DETLAVS, KOZIY AND LINNAS COMMITTING ACTS OF PHYSICAL VIOLENCE. IT IS STRESSED THAT THESE TALKS ARE PRIMARILY FOR THE PURPOSE OF BECOMING ACQUAINTED WITH THE WITNESSES AND DECIDING WHICH ONE'S TESTIMONY COULD BEST BE UTILIZED IN MORE FORMAL PROCEEDINGS AT A FUTURE DATE. THE INTERVIEWS WILL NOT NEED TO BE VIDEOTAPED SINCE THEY WILL NOT BE USED AS EVIDENCE.

"C) THE ATTORNEYS FOR THE DEPARTMENT OF JUSTICE REGRET THAT IT WILL NOT BE POSSIBLE TO TAKE THE DEPOSITIONS THEY HAD HOPED FOR; HOWEVER, THEY BELIEVE THAT IT MAY BE MORE USEFUL IN THE LONG RUN TO UNDERTAKE A PRELIMINARY VISIT OF THIS TYPE IN WHICH THEY WILL MEET WITH THEIR SOVIET COUNTERPARTS AND HAVE THE OPPORTUNITY TO RESOLVE IN ADVANCE ANY DIFFICULTIES WHICH MIGHT BE OCCASIONED BY THE PROCEDURAL DIFFERENCES WHICH NECESSARILY OCCUR IN ANY SITUATION WHERE TWO DIFFERENT LEGAL SYSTEMS ARE INVOLVED. ATTORNEYS MENDELSON AND BELOTE ARE CONVINCED THAT A FIRM AND STABLE FOUNDATION FOR JUDICIAL COOPERATION IS ESSENTIAL, IF THE CASES INVOLVING WAR CRIMINALS ARE TO BE

PROSECUTED SUCCESSFULLY. MOREOVER, THEY ARE AWARE OF THE IMPORTANCE OF THEIR MISSION AS PART OF THE PATTERN OF

COOPERATION BETWEEN THE SOVIET AND THE AMERICAN PEOPLE. THEY, THEREFORE, LOOK FORWARD TO THE OPPORTUNITIES PRESENTED BY THEIR FORTHCOMING VISIT, WHICH IS BELIEVED TO BE THE FIRST OF ITS KIND BY REPRESENTATIVES OF THE US DEPARTMENT OF JUSTICE." END NOTE

3. DEPARTMENT IS INFORMING SOVIET EMBASSY IN WASHINGTON OF THEIR PROPOSED ARRIVAL DATE.

4. EMBASSY IS REQUESTED TO MAKE MOSCOW HOTEL RESERVATION FOR MENDELSON AND BELOTE. FUND CITATION FOR UNCLASSIFIED

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